

TECK COMINCO & NANA'S RESPONSE TO ADAMS EXHIBIT OBJECTION CHART

Exhibit No.	Title/Description	Bates No.	Objection	Response
1000	2007 Permit (mislabeled as "1998 Permit but dated April 12, 2007)	TC 038037-38076 RD	Relevance: permit was never operative and is now withdrawn	 Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require.
1003	ADEC COBC for TDS dated June 2, 2002	TC 029771-29805 RD	Relevance: not relevant because this is an Alaska State permit compliance document. Teck Cominco's compliance with Alaska water quality standards is not at issue in this case. What is at issue is Teck Cominco's compliance with its federal permit.	violations; harm to health and environment; duration of non-compliance; history of violations)

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1004	ADEC 2004 COBC dated May 10, 2004 1998 ADEC 401 Certification dated July 22, 1998	NA	Relevance: not relevant because this is an Alaska State permit compliance document. Teck Cominco's compliance with Alaska water quality standards is not at issue in this case. What is at issue is Teck Cominco's compliance with its federal permit. Authentication	violations; harm to health and environment; duration of non-compliance; history of violations)
1006	2003 ADEC 401 Certification dated June 23	NA	Relevance; not provided	Relevance to Penalty: • seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) • good faith efforts to comply; • Such other matters as justice may require. Not Provided: This document is publicly available and Plaintiffs do not assert any prejudice.

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1007	2007 ADEC 401 Certification dated February 12, 2007	TC 011191-11193 RD	Relevance: not relevant because ADEC has withdrawn this 401 certification. No longer operative.	 Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require. The plaintiffs are still actively appealing from this certification.
1008	May 1999 Mine DMR	TC 038613-38661 RD	Relevance (subsequently amended), Authentication	Relevance: FRE 106 Liability seriousness of violations history of violations good faith efforts to comply Authentication: Numerous witnesses can authenticate.
1020	June 1999 Mine DMR	TC 11203-11206 RD; TC 35171-35173 RD; TC 000234-279 RD	Relevance (subsequently amended), Authentication	Relevance: FRE 106 liability seriousness of violations history of violations good faith efforts to comply Authentication: Numerous witnesses can authenticate.

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1031	July 1999 Mine DMR	TC 035171-35174;	Relevance (subsequently	Relevance:
1031	July 1999 Mille DMK	TC 24109-24111 RD;	amended),	
		TC 11194-11199 RD;	Authentication	
		TC 000280-349 RD	Authentication	• liability
		1C 000280-349 KD		 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate.
1043	August 1999 Mine DMR	TC 035171-35172,	Relevance (subsequently	Relevance:
		35175; TC 000350-	amended),	• FRE 106
		414 RD	Authentication	 liability
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate.
1055	September 1999 Mine DMR	TC 035171-35172,	Relevance (subsequently	Relevance:
	1	35176; TC 00419-477	amended),	• FRE 106
		RD	Authentication	liability
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate.
1084	June 2000 Mine DMR	TC 35171-35172,	Relevance (subsequently	Relevance:
		35177 RD;	amended),	• FRE 106
		TC 11207-11211 RD;	Authentication	• liability
		TC 000645-702 RD		seriousness of violations
				history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate.

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1099	July 2000 Mine DMR	TC 035171-35172, 35178; 001082-1144	Relevance (subsequently amended), Authentication	Relevance: FRE 106 liability seriousness of violations history of violations good faith efforts to comply
1100	Compated May 2000 and Luly	TC 000752-783 RD	Authentication	Authentication: Numerous witnesses can authenticate. Authentication: Numerous
1100	Corrected May 2000 and July 2000 DMR sheets	1C 000/32-/83 RD	Authentication	witnesses can authenticate.
1110	August 2000 Mine DMR	TC 011212-11215; TC 000784-858 RD	Relevance (subsequently amended), Authentication	Relevance: FRE 106 liability seriousness of violations history of violations good faith efforts to comply Authentication: Numerous witnesses can authenticate.
1116	Final Report-Toxicity Evaluation of Outfall 001 to Ceriodaphnia by Parametrix dated August 2000	TC 051054-51090 RD	Authentication, not timely provided	Authenticity: DeForest or Stubblefield can authenticate. Disclosed in Initial Disclosures.
1117	September 2000 Mine DMR	TC 035171-35172, 35179 RD; TC 00859- 915 RD	Relevance (subsequently amended), Authentication	Relevance: • FRE 106 • liability • seriousness of violations • history of violations • good faith efforts to comply Authentication: Numerous witnesses can authenticate

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1125	October 2000 Mine DMR	TC 025171 25172	Delever en (culture au culture	Dalayanaa
1125	October 2000 Mine DMR	TC 035171-35172,	Relevance (subsequently	Relevance:
		35180 RD; TC 00932-	amended),	• FRE 106
		987 RD	Authentication	liability
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1136	June 2001 Mine DMR	TC 035171-35172,	Relevance (subsequently	Relevance:
		35181; TC 000997-	amended),	• FRE 106
		1077 RD	Authentication	liability
				seriousness of violations
				history of violations
				<u> </u>
				 good faith efforts to comply Authentication: Numerous
				witnesses can authenticate
1140	Lala 2001 Min a DMD	TO 025171 25712	D-1	
1149	July 2001 Mine DMR	TC 035171-35712,	Relevance (subsequently	Relevance:
		35182 RD; TC	amended),	• FRE 106
		011216-11218; TC	Authentication	liability
		001078-1134 RD		 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1165	August 2001 Mine DMR	TC 035171-35172,	Relevance (subsequently	Relevance:
		35183 RD; TC 11219-	amended),	• FRE 106
		11222 RD; TC	Authentication	liability
		001135-1194 RD		 seriousness of violations
				 history of violations
				• good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
				withouses can authoriticate

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1172 Sept	tember 2001 Mine DMR	TC 035171-35172,	Relevance (subsequently	Relevance:
1172 Sept	tember 2001 Wille DWK	,	`	
		35184 RD; TC001197-1254 RD	amended), Authentication	• FRE 106
		1C001197-1234 KD	Aumentication	• liability
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1193 May	y 2002 Mine DMR	TC 35171-35172,	Relevance (subsequently	Relevance:
		35185 RD;	amended),	• FRE 106
		TC 005796-5799 RD;	Authentication	liability
		TC 001348-1398 RD		 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1202 June	e 2002 Mine DMR	TC 035171-35172,	Relevance (subsequently	Relevance:
		35186 RD;	amended),	• FRE 106
		TC 001399-1451 RD	Authentication	 liability
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1217 July	2002 Mine DMR	TC 011175-11178	Relevance (subsequently	Relevance:
		RD;	* */	• FRE 106
		TC 006492-6540 RD	Authentication	• liability
				 seriousness of violations
				 history of violations
				• good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate

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1218	Short-Term Chronic Toxicity of Effluents from Red Dog Mine to Pinnephales promelas by ENSR dated July 2002	TC 051134-51373 RD	Relevance, Authentication	Relevance: Explain DMR's Capable of repetition seriousness of violations history of violations good faith efforts to comply Authentication: Multiple witnesses can authenticate
1229	August 2002 Mine DMR	TC 011179-1182 RD; TC 6514-6589 RD	Relevance (subsequently amended), Authentication	Relevance: • FRE 106 • liability • seriousness of violations • history of violations • good faith efforts to comply Authentication: Numerous witnesses can authenticate
1230	Report of Short Term Chronic Toxicity Testing using Ceriodaphnia by ENSR dated September 6, 2002	TC 051374-51444 RD	Relevance, Authentication	Relevance: • Explain DMR's • Capable of repetition • seriousness of violations • history of violations • good faith efforts to comply Authentication: Multiple witnesses can authenticate
1231 * labeled 2231	Bioassay Report conducted August 7-14, 2002 by CH2MHi11 dated August 2002	TC 051733-51766 RD	Authentication	Multiple witnesses can authenticate.
1232 * labeled 2232	Bioassay Report conducted August 30 through September 3, 2002 by CH2MHi11 dated September 4, 2002	TC 051767-51798 RD	Relevance, Authentication	Relevance: Capable of repetition seriousness of violations history of violations good faith efforts to comply Authentication: Multiple witnesses can authenticate

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1045	Contember 2002 Mins DMD	TC 025171 25172	Dalayanaa (subsassussil-	Relevance:
1245	September 2002 Mine DMR	TC 035171-35172,	Relevance (subsequently	
		35187 RD;	amended),	• FRE 106
		TC 11183-11186 RD;	Authentication	liability
		TC 11223-11226 RD;		 seriousness of violations
		TC 005747-5795 RD		 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1264	Short-Term Chronic Toxicity	TC 051858-52087 RD	Relevance,	Relevance:
	of Effluents from Red Dog		Authentication	Explain DMR's
	Mine to Ceriodaphnia by			 Capable of repetition
	ENSR dated October 2002			 seriousness of violations
				history of violations
				 good faith efforts to comply
				Authentication: Multiple witnesses can authenticate
1075	M 2002 M DMD	TC 12401 12405 DD.	D-1	
1275	May 2003 Mine DMR	TC 13401-13405 RD;	Relevance (subsequently	Relevance:
		TC 12890-12896 RD;	amended),	• FRE 106
		TC 012835-12889 RD	Authentication	liability
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1339	June 2004 Mine DMR	TC 31234-31252 RD;	Relevance (subsequently	Relevance:
		TC 13640-13698 RD	amended),	• FRE 106
			Authentication	liability
				 seriousness of violations
				history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
				withesses can audienticate

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	T	T	T	T
1340	July 2004 Mine DMR	TC 031335-31338	Relevance (subsequently	Relevance:
		RD;	amended),	• FRE 106
		TC 31253-31334 RD	Authentication	liability
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1341	Report of Short-Term	TC 051017-5105.3 RD	Relevance,	Relevance:
	Chronic Toxicity Testing		Authentication	 Explain DMR's
	using Ceriodaphnia by ENSR			 Capable of repetition
	dated August 2004			 seriousness of violations
				 history of violations
				good faith efforts to comply
				Authentication: Multiple
				witnesses can authenticate
1394	July 2005 Mine DMR	TC 35604-35606,	Relevance (subsequently	Relevance:
1371	July 2003 Willie Divile	35611 RD;	amended),	• FRE 106
		TC 35377-35458 RD	Authentication	• liability
		10 00077 00 100 10		seriousness of violations
				history of violations
				•
				 good faith efforts to comply Authentication: Numerous
1418	August 2005 Mine DMR	TC 35604-35608 RD;	Relevance (subsequently	witnesses can authenticate Relevance:
1410	August 2003 Wille DWK	TC 35459-35515 RD	amended),	• FRE 106
		1C 33437-33313 KD	Authentication	
			Aumentication	• liability
				• seriousness of violations
				history of violations
				• good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate

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1446	September 2005 Mine DMR	TC 035604-35605;	Relevance (subsequently	Relevance:
1110	September 2000 Mille Billit	35609-35619 RD;	amended),	• FRE 106
		TC 35516-35603 RD	Authentication	• liability
		10 33310 33 003 113		seriousness of violations
				• history of violations
				• good faith efforts to comply
				Authentication: Numerous
1.60.4	16 200516 5165	TG 020100 20240 DD		witnesses can authenticate
1604	May 2007 Mine DMR	TC 038199-38269 RD	Relevance (subsequently	Relevance:
			amended),	• FRE 106
			Authentication	liability
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication: Numerous
				witnesses can authenticate
1639	EPA Region 10 Guidance for	TC 004872-4882 RD	Hearsay, Relevance,	Hearsay
	WQBEL's Below Analytical		Authentication	• FRE 803(6) Business record;
	Detection/Quantitation Level			• FRE 803(8) Public record;
				• FRE 803(5)Recorded
				recollection
				• FRE 803(18) Learned
				Treatise
				• FRE 807
				Relevance
				• Explain DMR's
				 seriousness of violations
				history of violations
				 good faith efforts to comply
				Authentication
				• FRE 902(5)
				Multiple witnesses can
				authenticate

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1640	EPA Quality Assurance	TC 004258-4285 RD	Hearsay, Authentication	Hearsay
	Memorandum dated April 16,		•	• FRE 803(6) Business record;
	1999 for TDS Project			• FRE 803(8) Public record;
	Samples Total Metals in			• FRE 803(5)Recorded
	Water; Total Hardness from			recollection
	Stephanie Le to Michael			• FRE 807
	Letourneau			Authentication
				• FRE 902(5)
				 Multiple witnesses can
				authenticate
1641	EPA Memorandum dated	TC 004286-4294 RD	,	Hearsay
	June 9, 1999 from Dave		Authentication	• FRE 803(6) Business record;
	Mount to Mike Letourneau re			• FRE 803(8) Public record;
	Results fo TDS Toxicity			• FRE 803(5)Recorded
	Testing			recollection
				• FRE 807
				Relevance
				 Explain DMR's
				 seriousness of violations
				 history of violations
				 good faith efforts to comply
				Authentication
				• FRE 902(5)
				 Multiple witnesses can
				authenticate

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	1			
1642	EPA Guidance on Water quality Based Effluent Limits Set Below Analytical Detection/Quantitation Limits dated April 25, 2005	TC 034652-34654 RD	Hearsay, Authentication	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5)Recorded recollection FRE 807 FRE 803(18) Learned Treatise Authentication FRE 902(5) Multiple witnesses can authenticate
1643	April 21, 2002 letter from Micheal Gearhed, EPA to Lynn Kent, ADEC re EPA Review of Main Stem Red Dog Creek Site-Specific Criterion for Arctic Grayling spawning period	TC 037222-37224 RD	Hearsay, Authentication	Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5)Recorded recollection FRE 807 Authentication FRE 902(5) Multiple witnesses can authenticate
1644	Letter dated July 23, 1999 from ADF&G, Alvin Ott to Roger Mochnick, US EPA re TDS	TC 004318-4319 RD	Hearsay, Authentication	Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5)Recorded recollection FRE 807 Authentication FRE 902(5) Multiple witnesses can authenticate

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1645	Public Health Evaluation of	NA	Hearsay, Relevance	Hearsay
	Exposure of Kivalina and		(don't need to show	• FRE 803(6) Business record;
	Noatak Residents to Heavy		health impacts),	• FRE 803(8) Public record;
	Metals from Red Dog Mine dated October 25, 2001 by		Authentication	• FRE 803(5)Recorded recollection
	Division of Public Health			Relevance to Penalty:
	Section of Epidemiology			 seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require. Authentication: Witnesses (Arnold and/or Middaugh) will authenticate.
1646	ADEC Decision Document	TC 037210-37221 RD	Hearsay, Authentication	Hearsay
	for a TDS Site-Specific		-	• FRE 803(6) Business record;
	Criterion for Red Dog Creek			• FRE 803(8) Public record;
	dated January 12, 2006			• FRE 803(5)Recorded
				recollection
				Authentication: Witnesses
				(McGee and/or Sonofrank) will authenticate.

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1647	Kivalina Sanitary Survey dated May 2004 by ASCG Incorporated	TC 030574-30694B RD	Relevance (don't need to show health impacts), Authentication	 Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require. Authentication: Witness (Pannone) will authenticate.
1648	Discharge TDS SOP	NA	Relevance, Authentication	Relevance: Capable of repetition seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate
1649	Sodium Sulfide Dosage Changes SOP dated 2003	NA	Relevance, Authentication	Relevance: Capable of repetition seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate

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1650	Sodium Sulfide Dosage Changes SOP	TC 037880-37895 RD	Hearsay, Authentication	Hearsay • FRE 803(6) Business record; • FRE 803(5) Recorded recollection • FRE 807 Authentication: Multiple witnesses can
1651	Sodium Sulfide System Process Description	NA	Relevance, Authentication	authenticate Relevance: Capable of repetition seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate
1652	In-Stream Control of TDS at Red Dog Mine	NA	Relevance, Authentication	Relevance: Capable of repetition seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate

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1652	Toxicity Doduction	TC 004610 4654 DD	Hoomovy Authortication	Haamaay
1653	Toxicity Reduction	TC 004610-4654 RD	Hearsay, Authentication,	Hearsay
	Evaluation by EVS		Relevance	• FRE 803(6) Business record;
	Environmental Consultants			• FRE 803(8) Public record;
	dated December 1999			• FRE 803(5) Recorded
				recollection;
				• FRE 807
				Relevance:
				 Capable of repetition
				 seriousness of violation
				 economic benefit
				history of violations
				good faith efforts to comply
				• other matters as justice may
				require
				Authentication:
				Multiple witnesses can
1.67.4		TC 004655 4502 DD	TT 4 1 1 11 11	authenticate
1654	Toxicity Identification for	TC 004655-4703 RD	Hearsay, Authentication,	Hearsay
	Red Dog Mine, Phase I, dated		Relevance	• FRE 803(6) Business record;
	March 2000 EVS			• FRE 803(8) Public record;
	Environmental Consultants			• FRE 803(5) Recorded
				recollection;
				• FRE 807
				Relevance:
				 Capable of repetition
				seriousness of violation
				 economic benefit
				history of violations
				•
				• good faith efforts to comply
				• other matters as justice may
				require
				Authentication:
1				The state of the s
				Multiple witnesses can authenticate

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1655	Toxicity Reduction Evaluation Report dated August 2003	TC 032586-32683 RD	Authentication	Authentication: Multiple witnesses can authenticate.
1656	2000 Aquatic Biomonitoring at Red Dog Mine dated May 15, 2001	NA	Relevance, Authentication	Relevance: seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate
1657	2001 Aquatic Biomonitoring at Red Dog Mine dated May 2002, Report No. 02-04	TC 004863 RD	Relevance, Authentication	Relevance: seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate
1658	2002 Aquatic Biomonitoring at Red Dog Mine dated 2003, Report No. 03-03	NA	Relevance, Authentication	Relevance: seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate

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1659	2003 Aquatic Biomonitoring at Red Dog Mine dated April 2004, Report No. 04-02	TC 030695-30836B RD	Relevance, Authentication	Relevance: seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate
1661	2004 Aquatic Biomonitoring at Red Dog Mine dated May 2005, Report No. 05-03	TC 035773 RD	Relevance, Authentication	Relevance: seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate
1662	2005 Aquatic Biomonitoring at Red Dog Mine dated May 2006, Report No. 06-03	TC 037323 RD	Relevance, Authentication	Relevance: seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate

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1663	2006 Aquatic Biomonitoring at Red Dog Mine dated June 2007, Report No. 07-03	NA	Relevance, Authentication	Relevance: seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Authentication: Multiple witnesses can authenticate
1664	Chart: Sulfate & TDS at Station 1 and 2	NA	Relevance, Authentication	 Relevance and Authentication: Demonstrative Exhibit illustrating witness testimony FRE 1006 Summary
1665	Chart: Total Cyanide and WAD Cyanide at Station 2	NA	Relevance, Authentication	Relevance and Authentication: • Demonstrative Exhibit illustrating witness testimony • FRE 1006 Summary
1666	Chart: Cadmium at Station 1 and 2	NA	Relevance, Authentication	Relevance and Authentication: • Demonstrative Exhibit illustrating witness testimony • FRE 1006 Summary
1667	Graph: Comparison of Returns-Actual Dow Jones v. Kavanaugh Assumptions July 1, 1999 - January 11, 2008	NA	Relevance, Authentication	Relevance and Authentication: • Demonstrative Exhibit illustrating witness testimony • FRE 1006 Summary
1668	Chart: Summary of Economic Benefit Results Using the Correct Financial Methodology	NA	Authentication	Relevance and Authentication: • Demonstrative Exhibit illustrating witness testimony • FRE 1006 Summary
1669	Chart: Methodology that disregards the Distinction Between Ex-Post and Ex-Ante Information	NA	Relevance, Authentication	Relevance and Authentication: • Demonstrative Exhibit illustrating witness testimony • FRE 1006 Summary

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1670	Chart: Economic Benefit	NA	Relevance,	Relevance and Authentication:
	Methodology Based on the distinction Between Ex-Post		Authentication	 Demonstrative Exhibit illustrating witness testimony
	and Ex-Ante Information			• FRE 1006 Summary
1671	Aerial view of Red Dog	NA	Relevance,	Relevance:
	Creek premining		Authentication	 Demonstrative Exhibit
				illustrating witness testimony
				Authentication:
				Multiple witnesses can
				authenticate
1672	Aerial view of Tailings pond	NA	Relevance,	Relevance:
			Authentication	Demonstrative Exhibit
				illustrating witness testimony
				Authentication:
				Multiple witnesses can
1673	Aerial view of Outfall 001	NA	Authentication	authenticate Relevance:
10/3	Aeriai view of Outfall 001	NA	Authentication	
				Demonstrative Exhibit
				illustrating witness testimony Authentication:
				Multiple witnesses can
				authenticate
1674	Side view of Outfall 001	NA	Authentication	Relevance:
10, 1	Side view of Sulful oof	1111		 Demonstrative Exhibit
				illustrating witness testimony
				Authentication:
				Multiple witnesses can
				authenticate
1675	Area map of Red Dog Mine	NA	Relevance,	Relevance:
			Authentication	 Demonstrative Exhibit
				illustrating witness testimony
				Authentication:
				Multiple witnesses can
				authenticate

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1676	Red Dog Mine Mixing Zones: Sta. 150, 9 & 10	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1677	Red Dog Mine Mixing Zones: Sta. 151, 20, 12	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1678	Origin of the Opportunity photograph	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1679	Water Balance tailings pond diagram	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1680	Map of TDS limits	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1681	Graph: Impoundment of TDS 1998-2007	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate

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1682	Chart: Discharge Performance by Month to Red Dog Creek	NA	Relevance, Authentication	Relevance and Authentication: • Demonstrative Exhibit
	by Month to Red Dog Creek		Authentication	illustrating witness testimony
				• FRE 1006 Summary
1683	Pond Elevation Since 1998	NA	Relevance,	Relevance and Authentication:
			Authentication	 Demonstrative Exhibit
				illustrating witness testimony
1.60.4	Di a di CD de Ci	27.4	D 1	• FRE 1006 Summary
1684	Photograph of Red Dog Clean	NA	Relevance,	Relevance:
	Water Bypass/Diversion System		Authentication	Demonstrative Exhibit Huntrating witness testimony.
	System			illustrating witness testimony Authentication:
				Multiple witnesses can
				authenticate
1685	Photographs of Middle Fork-	NA	Relevance,	Relevance:
	Before and After		Authentication	 Demonstrative Exhibit
				illustrating witness testimony
				Authentication:
				Multiple witnesses can
				authenticate
1686	Red Dog Operations tailings	NA	Relevance,	Relevance:
	impoundment photograph		Authentication	Demonstrative Exhibit
				illustrating witness testimony
				Authentication:
				Multiple witnesses can authenticate
1687	Photograph of Sulfur Creek,	NA	Relevance,	Relevance:
1007	Pre-mining	11/1	Authentication	 Demonstrative Exhibit
			1 Iddiontioution	illustrating witness testimony
				Authentication:
				Multiple witnesses can
				authenticate

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1688	Photograph of Alvinella Seep	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1689	Photograph of Red Dog Diversion	NA	Relevance, Authentication	 Relevance: Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1690	Photograph of Clean Water Bypass Upgrades	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1691	Photograph of Clean Water Bypass Upgrades 4	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1692	Diversion Ditch 4 Construction	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1693	Tailing Pond & Dam Locations Map	NA	Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate

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1694	Photograph of Water Treatment Plants	NA NA	Relevance, Authentication Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate Relevance: • Demonstrative Exhibit illustrating witness testimony
1606	Di di Li CASh Ci Letti	N/ A	D 1	Authentication: Multiple witnesses can authenticate
1696	Photograph of 4 ^h Sandfilter	NA	Relevance, Authentication	 Relevance: Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1697	Photograph of new Sandfilter Building	NA	Relevance, Authentication	 Relevance: Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1698	Photograph of Water Treatment Plant 3	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1699	Aerial photograph of Outfall 001	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate

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1700	Water Management diagram of tailings impoundment	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1701	Map: Streams and Sample Locations in the Immediate vicinity of Red Dog Mine	NA	Relevance, Authentication	 Relevance: Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1702	Map: Streams and Rivers Downstream of Red Dog Mine	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1703	Photograph of Middle Fork Red Dog Creek at point where effluent enters creek dated July 1995	NA	Authentication	 Relevance: Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1704	Map: Red Dog Creek identification of TDS zones	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1705	Map: Red Dog Creek identification of spawning areas	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate

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1706	Aerial photograph of Red	TC 011462 RD	Relevance,	Relevance:
	Dog Creek pre-mining		Authentication	 Demonstrative Exhibit
				illustrating witness testimony
				Authentication:
				Multiple witnesses can
				authenticate
1707	Chart: Station 1 Average TDS	NA	Relevance,	Relevance and Authentication:
	1991-2005		Authentication	 Demonstrative Exhibit
				illustrating witness testimony
				 FRE 1006 Summary
1708	Chart: Station 1 Average TDS	NA	Relevance,	Relevance and Authentication:
	1999-2005		Authentication	 Demonstrative Exhibit
				illustrating witness testimony
				 FRE 1006 Summary
1709	Spreadsheet: TDS Data	NA	Authentication	Relevance and Authentication:
	Station 10 for 2002 and 2003			 Demonstrative Exhibit
				illustrating witness testimony
				 FRE 1006 Summary
1710	Spreadsheet: Estimated TDS	NA	Relevance,	Relevance and Authentication:
	Concentration at Station 10		Authentication	 Demonstrative Exhibit
	on July 7, 1999			illustrating witness testimony
				 FRE 1006 Summary
1711	Figure 104: Dolly Varden	NA	Relevance,	Relevance and Authentication:
	Kidney Tissue, Cadmium		Authentication	 Demonstrative Exhibit
				illustrating witness testimony
				 FRE 1006 Summary

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1712	August 10, 2000 letter re Red Dog Mine: Request for Site- Specific Criteria, Authorization of Mixing Zones and Modification of 401 Certification	TC 003411-3418 RD	Relevance, Authentication	Relevance to Penalty: • seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) • good faith efforts to comply; • Such other matters as justice may require; • economic benefit, because shows no available technology to sufficiently reduce TDS in effluent. Authentication: Witnesses (Kulas and/or McGee) will authenticate
1713	January 9, 2001 letter re Red Dog Mine Revised Request for Site-Specific Criterion	TC 004921-4929 RD	Hearsay, Authentication, Relevance	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; Authentication: Witness (Kulas and/or McGee) will authenticate Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require.

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1714	December 20, 2002 letter to	TC 029902-29909 RD	Hearsay, Authentication,	Hearsay
	Walter Sampson re sanitary		Relevance	• FRE 803(6) Business record;
	water survey in Kivalina			• FRE 803(5) Recorded
				recollection;
				Authentication: Witnesses
				(Kulas and/or Sampson) will
				authenticate
				Relevance to Penalty:
				 seriousness (significance of violations; harm to health and
				environment; duration of non-compliance; history of
				violations)good faith efforts to comply;
				Such other matters as justice
				may require.
1715	February 5, 2003 letter to	TC 011329 RD	Hearsay, Authentication,	Hearsay
	Millie Hawley re fish tissues		Relevance	• FRE 803(6) Business record;
				• FRE 803(8) Public record;
				• FRE 803(5) Recorded
				recollection;
				Authentication: Witness
				(DeCicco) will authenticate
				Relevance to Penalty:
				 seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations)
				• good faith efforts to comply;
				 Such other matters as justice may require.

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1716	March 4, 2003 letter to Craig Paulson re Village of Kivalina Drinking Water Sample Results	TC 031633-31639 RD	Hearsay, Authentication, Relevance	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection; Authentication: Witnesses (Scott and/or Paulsen) will authenticate Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of
				violations)good faith efforts to comply;Such other matters as justice may require.
1717	April 29, 2003 letter from ADF&G to Millie Hawley re fish samples	TC 031633-31639 RD	Hearsay, Authentication, Relevance	 FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection; Authentication: Witness (Ott) will authenticate Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require.

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1=16				
1718	June 27, 2003* US EPA Memorandum to Craig Paulsen re Peer Review and Verification of the Total Metals, and Hardness Analyses for Kivalina Village *Incorrect date of June 27, 2004 on exhibit list and Plaintiffs' chart.	TC 012443-12456 RD	Hearsay, Authentication, Relevance	 FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection; Authentication: Witness (Paulsen) will authenticate Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require.
1719	Drinking Water Sampling memo dated July 14, 2003 by Joe Wallace and Eva Chun	TC 012573-12589 RD	Hearsay, Authentication, Relevance	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection; Authentication: Witness (Chun) will authenticate Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require.

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1720	August 14, 2003* EPA	TC 012601-12690 RD	Hearsay, Authentication,	Hearsay
	Memorandum to Craig Paulsen re Data Verification Report of Volatile Organic Analyses' Results for the Kivalina Village Project Samples *Incorrect date of August 14, 2002 on Plaintiffs' chart.	1C 012001-12090 KD	Relevance	 FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection; Authentication: Witnesses (Paulsen and/or Cohon) will authenticate Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require.
1721	October 2, 2003 EPA Memorandum to Craig Paulsen re Case narrative with Peer Review Memo for Kivalina Water Sampling for Haloacetic Acids in Water	TC 012530-12538 RD	Hearsay, Authentication, Relevance	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection; Authentication: Witness (Paulsen) will authenticate Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require.

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1722	June 10, 1000 amail from	TC 002447 2440 DD	Haaraay Authantiaatian	Постору
1722	June 10, 1999 email from Phyllis Scannell to EPA re effects of TDS in Red Dog Creek	TC 003447-3448 RD	Hearsay, Authentication, Relevance	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5)Recorded recollection FRE 807 Relevance: seriousness of violation; history of violations good faith efforts to comply; other matters as justice may require Authentication Scannell can authenticate
1723	July 12, 1999 email from Mark Thompson to Bruce Woods/EPA re Cyanide Detection Limit	TC 004934-4938 RD	Hearsay, Authentication	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5)Recorded recollection FRE 807 Authentication Thompson can authenticate
1724	July 27, 2002 Memorandum from Al Ott to Pete McGee re Red Dog Mine - distribution of Spawning Fish, Mixing Zone Requests for TDS	TC 005198-5205 RD	Hearsay, Authentication	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5)Recorded recollection FRE 807 Authentication Ott and others can authenticate
1725	Topographical Map of Spawning Areas	TC 005206 RID	Authentication	Authentication Ott, Scannell, and others can authenticate

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1726	February 24, 2005 Memorandum from Mark Thompson to Pete McGee re Cadmium Natural Background SSC, Red Dog Creek	TC 034627-34628 RD	Hearsay, Relevance, Authentication	 Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection; Relevance to Penalty: seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) good faith efforts to comply; Such other matters as justice may require. Authentication: Witnesses (Thompson and/or McGee) will authenticate
1727	Red Dog Spring Trip Report May 23 - June 9, 2004	TC 035762-35764 RD	Relevance, Hearsay, Authentication	Relevance to Penalty: • seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations) • good faith efforts to comply; • Such other matters as justice may require. Hearsay • FRE 803(6) Business record; • FRE 803(8) Public record; • FRE 803(5) Recorded recollection; Authentication: Witnesses (Townsend) will authenticate

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1728	Red Dog Spring Trip Report	TC 037324-37331 RD	Relevance, Hearsay,	Relevance to Penalty:
1/20	June 10 - 17, 2006	1 C 03/327-3/331 KD	Authentication	 seriousness (significance of
	tane 10 17, 2000			violations; harm to health and
				environment; duration of
				non-compliance; history of
				violations)
				good faith efforts to comply;
				Such other matters as justice
				may require.
				Hearsay
				• FRE 803(6) Business record;
				• FRE 803(8) Public record;
				• FRE 803(5) Recorded
				recollection;
				Authentication: Witnesses
				(Townsend) will authenticate
1733	Alaska Miners Association	TC 034544-34571 RD	Relevance, Hearsay,	Relevance:
	Discussion: Environmental		Authentication	 Demonstrative Exhibit
	Permitting-Priorities &			illustrating witness testimony
	Approaches			 seriousness of violation
				 economic benefit
				 history of violations
				 good faith efforts to comply
				 economic effect
				 other matters as justice may
				require
				Authentication:
1724	Ded Dee Hee Adding 1997	TC 021166 21202 A	D-1	Andrews can authenticate
1734	Red Dog Use Attainability	TC 031166-31203A RD	Relevance,	Relevance:
	Analysis Aquatic Life Component dated February	KD	Hearsay, Authentication	
	1996 by Phyllis Weber			illustrating witness testimonyseriousness of violation
	Scannell			seriousness of violationeconomic benefit
				history of violations good faith afforts to comply
				 good faith efforts to comply

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Scannell can authenticate	1735	Effects of Total Dissolved Solids on Aquatic Organisms dated June 2001 by Phyllis Weber Scannell	TC 004445-4481 RD	Relevance, Hearsay, Authentication	 other matters as justice may require Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection FRE 807 Authentication: Scannell can authenticate FRE 1005 FRE 902(5) Relevance: Demonstrative Exhibit illustrating witness testimony seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection FRE 807 Authentication: Scannell can authenticate
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1736	Comparison of Mainstem Red	TC 036800 36830 PD	Relevance, Hearsay,	Relevance:
1/30	Dog Creek premining and	1 C 030007-30030 KD	Authentication	Demonstrative Exhibit
	Current Conditions dated		Authentication	
	March 2005 by Phyllis Weber			illustrating witness testimony
	Scannell			• seriousness of violation
	Scannen			 economic benefit
				 history of violations
				 good faith efforts to comply
				 other matters as justice may
				require
				Hearsay
				• FRE 803(6) Business record;
				• FRE 803(8) Public record;
				• FRE 803(5) Recorded
				recollection
				• FRE 807
				Authentication:
				Scannell can authenticate
				• FRE 1005
				• FRE 902(5)
1737	November 28, 2005 letter	TC 035936-35954 RD	Relevance,	Relevance:
	from Phyllis Weber Scannell		,	 Demonstrative Exhibit
	to Al Ott re Fish Tissue data		3 /	illustrating witness testimony
	from the Wulik and Kivalina			 seriousness of violation
	Rivers			 economic benefit
				history of violations
				 good faith efforts to comply
				 other matters as justice may
				· ·
				require Hearsay
				•
				• FRE 803(6) Business record;
				• FRE 803(8) Public record;
				• FRE 803(5) Recorded
				recollection
				• FRE 807
				Authentication:

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				Scannell, Ott and others can authenticate FRE 1005 FRE 902(5)
1738	Aquatic Baselines Sampling, Wulik River Drainage Volume I: Summary of Biological and Water Quality Information dated April 2006 by Al Ott and Phyllis Weber Scannell	TC 037366 RD	Relevance, Hearsay, Authentication	Relevance: Demonstrative Exhibit illustrating witness testimony seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection FRE 807 Authentication: Scannell, Ott and others can authenticate FRE 1005 FRE 902(5)

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1738B	Aquatic Baselines Sampling,	TC 037367 RD	Relevance, Hearsay,	Relevance:
	Wulik River Drainage		Authentication	Demonstrative Exhibit
	Volume II: Appendices of			illustrating witness testimony
	Tabulated Data dated April			 seriousness of violation
	2006 by All Ott and Phyllis			 economic benefit
	Weber Scannell			 history of violations
				• good faith efforts to comply
				 other matters as justice may
				require
				Hearsay
				• FRE 803(6) Business record;
				• FRE 803(8) Public record;
				• FRE 803(5) Recorded
				recollection
				• FRE 807
				Authentication:
				Scannell, Ott and others can
				authenticate
				• FRE 1005
				• FRE 902(5)

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1740	Juvenile Dolly Varden Whole Body Metals Analyses, Red Dog Mine (2002) dated May 2004 by Al Ott and William Morrise	TC 03174 RD	Relevance, Hearsay, Authentication	Relevance: Demonstrative Exhibit illustrating witness testimony seriousness of violation economic benefit history of violations good faith efforts to comply other matters as justice may require Hearsay FRE 803(6) Business record; FRE 803(8) Public record; FRE 803(5) Recorded recollection FRE 807 Authentication: Ott and others can authenticate FRE 1005
1741	Oversize Map of Red Dog Mine Environmental Stations	NA	Relevance, Authentication	 FRE 902(5) Relevance: Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate
1742	Oversize Map of Red Dog Mine Environmental Stations including Station 1 and Chukchi Sea	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate

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1743	Oversize Map of Kivalina Area Use	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate • FRE 902(5) • FRE 803(8)
1744	Oversize Map of Kivalina Community	NA	Relevance, Authentication	Relevance: • Demonstrative Exhibit illustrating witness testimony Authentication: Multiple witnesses can authenticate • FRE 902(5) • FRE 803(8)